

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

GEORGIA STATE CONFERENCE  
OF THE NATIONAL ASSOCIATION  
FOR THE ADVANCEMENT OF  
COLORED PEOPLE, et. al;

Plaintiffs,

v.

DEKALB COUNTY BOARD OF  
REGISTRATION AND ELECTIONS,  
et. al;

Defendants.

Civil Action File  
No. 1:20-CV-00879-ELR

**PLAINTIFFS' CONSENT MOTION TO EXTEND TIME TO RESPOND TO**  
**DEFENDANTS' MOTION TO DISMISS AND FOR LEAVE TO FILE**  
**EXCESS PAGES**

Plaintiffs Georgia State Conference of the NAACP and Georgia Coalition for the Peoples' Agenda (collectively, the "Plaintiffs"), pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Northern District of Georgia Local Rule 7.2(B), with the consent of Defendants DeKalb County Board of Registration and Elections, Anthony Lewis, Susan Motter, Dele Lowman Smith, Samuel Tillman, Baoky N. Vu, and Erica Hamilton (collectively, the "Defendants"), hereby move the Court to extend the time within which Plaintiffs must respond to Defendants'

Motion to Dismiss (Doc. 27) through and including May 11, 2020, and for permission to file a brief in excess of this Court's usual limit of 25 pages under N.D. Ga. Local Rule 7.1, for the following reasons:

1. The current deadline by which Plaintiffs must respond to Defendants' motion to dismiss is May 6, 2020. *See* N.D. Ga. Local Rule 7.1B.

2. Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time . . . if a request is made, before the original time or its extension expires."

3. In this case, good cause exists to extend the deadline to respond to the Motion to Dismiss by five (5) days, up to and including May 11, 2020. As a result of the impact of, and preventative measures taken in response to, the COVID-19 pandemic such as working out of the office, as well as scheduling conflicts of counsel for Plaintiffs created by other emergency litigation, and the time necessary to investigate and respond to issues raised by Defendants' motion to dismiss, Plaintiffs require additional time to prepare and submit their briefing in response to Defendants' Motion to Dismiss.

4. Extending the deadline to respond to the Motion to Dismiss by five (5) days, up to and including May 11, 2020, would ensure that Plaintiffs' counsel

has adequate time to consult with their clients and prepare the responsive pleading, while also complying with the recommended preventative measures taken in response to the Coronavirus/COVID-19.

5. Good cause also exists for granting Plaintiffs leave to file a responsive pleading that exceeds the usual 25 page limit, Local Rule 7.1, by up to five additional pages. As a result of the numerous and complex issues raised by Defendants' Motion to Dismiss, which involve questions of jurisdiction, statutory interpretation, and constitutional law, counsel for Plaintiffs require these additional pages to fully and completely respond to the motion.

6. Plaintiffs' counsel has conferred with Defendants' counsel, who has indicated that Defendants consent to the requested extension of time and request for leave to file a brief with five excess pages set forth herein.

WHEREFORE, Plaintiffs respectfully request that the Court enter an order extending the time within which Plaintiffs must answer or otherwise respond to Defendants' Motion to Dismiss through and including May 11, 2020, and granting plaintiffs leave to file a brief containing up to five additional pages. A proposed order is attached hereto as Exhibit A for the Court's convenience.

This 5th day of May, 2020.

Respectfully submitted,

/s/ Gail Podolsky

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**CERTIFICATE OF SERVICE AND CERTIFICATE OF COMPLIANCE  
WITH LOCAL RULE 5.1**

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system (which document was prepared in Times New Roman font, 14-point type, one of the font and point selections approved by the Court in N.D. Ga. L.R. 5.1(C)), which will automatically send e-mail notification of such filing to all counsel of record.

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